

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-against-	:	19-CR-166 (VEC)
	:	
LEON SMALLS,	:	<u>ORDER</u>
	:	
Defendant.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on August 27, 2020, Leon Small (“Defendant”) was sentenced principally to a term of imprisonment of fifteen years, *see* Judgment, Dkt. 210;

WHEREAS on December 1, 2023, Defendant filed a motion requesting that the Court consider a sentence reduction pursuant to Amendment 821 to the U.S. Sentencing Guidelines (“Amendment 821”), *see* Mot., Dkt. 455, which went into effect on November 1, 2023, and which applies retroactively; *see* U.S.S.G. §§ 1B1.10, 4A1.1(e), 4C1.1;

WHEREAS on December 121, 2023, the United States Probation Department reported that Defendant is not eligible for a sentence reduction because recalculating Defendant’s criminal history points does not change his Criminal History Category or the applicable Guideline range, *see* Probation Report, Dkt. 456; and

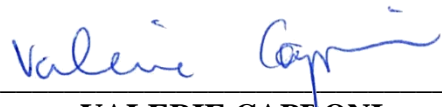
WHEREAS the Court has considered the record in this case;

IT IS HEREBY ORDERED that Defendant is ineligible for a sentence reduction pursuant to Amendment 821 because Defendant’s Total Offense Level and Criminal History Category do not change as a result of the guideline amendments. His post-amendment Guideline Range remains 262 to 327 months. Defendant’s motion is therefore DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is respectfully directed to close the open motion at Dkt. 455, to mail a copy of this Order to Mr. Smalls, and to note the mailing on the docket.

**SO ORDERED.**

**Dated: December 21, 2023**  
**New York, NY**



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**VALERIE CAPRONI**  
**United States District Judge**